



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
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Massachusetts Right to Know Law
Worker Exposure to Hazardous Materials in the Workplace

The Massachusetts Right to Know Law applies to all public sector employees working in State, county and municipal workplaces in the Commonwealth with the exception of those employed in police stations, public armories where ammunition is stored and public sector research labs (if granted an exemption by the Department of Public Health). The Massachusetts Right to Know Law became effective in 1984. Federal OSHA regulates private sector workplaces under the Hazard Communication Standard (CFR 1910.1200) with similar requirements. The Workplace portion of the Mass Right to Know law requires that information on chemical hazards be given to employees. This is accomplished by requiring that employees, who have been, are or may be exposed to toxic/hazardous chemicals in the workplace, are provided with the following:

- access to Material Safety Data Sheets (MSDSs),
- labeling on containers of chemicals, and,
- written instructions or training on chemical hazards and safe work procedures.

Chemicals Covered

All products which contain 1% or more (2% if an impurity) of one or more ingredients listed on the Mass Substance list are covered by the Right to Know Law. In order to determine this, it is necessary to get a copy of the list and request an MSDS from the manufacturer so that the ingredients can be compared to the chemicals on the list.

Alternatively, as a matter of DOS policy, it is acceptable for a municipal, county or state employer to assume that all chemicals for which a manufacturer has prepared a MSDS are covered by the Right to Know Law.

Employers have no obligations under the Right to Know Law with respect to certain items, including food, alcoholic beverages, and some consumer items, regardless of their contents. A detailed list of exempt items is set forth in the Right to Know Law (Mass General L. ch. 111F, sec. 1) and the regulations promulgated thereunder (454 CMR 21.00).

MSDSs

A material safety data sheet (MSDS) is a document, which provides important information on the ingredients and hazards of and protective equipment and practices needed to work safely with a product. The MSDS is developed by the product manufacturer. An employer who has not received an MSDS from the manufacturer must request it from the manufacturer.

An MSDS must be requested for each chemical used in the workplace in order to determine which chemicals are covered by the Law. MSDSs should be filed in an organized manner at a central location in the workplace, so that the employer can easily provide an MSDS if an employee requests one.

Labeling Requirements

Employers must label all substances subject to the RTK Law, which are in containers of more than 1 gallon or more than 5 pounds. The labels must include the chemical name of such substances. Chemical names must be used with all of the substances listed on the Mass Substance List if they are present in the container at quantities greater than 1% (2% if impurity).

Containers, which contain more than five gallons or thirty pounds of materials to which National Fire Protection Association (NFPA) Code 49 applies, must also be labeled with the proper NFPA Code.

As a matter of DOS policy, containers, which are labeled in accordance with the OSHA Hazard Communication Standard, will also be considered to satisfy the labeling requirements of the Right to Know Law. Under the OSHA Hazard Communication Standard, containers must be labeled with the name of the product as listed on the MSDS, the health hazard warnings (including target organ health effects) and physical hazard warnings (such as flammable or corrosive). Most manufacturers label containers in accordance with this Standard, since this is a Federal law applying to all private sector workplaces.

Training/Written Instruction Requirements

Employees who are or may be exposed to chemical hazards must be trained or instructed in writing annually. The initial training or instruction for new employees must be provided within 30 days of employment. A record including a description of the training given, the date of the training and the names of both the instructor and employees who received training or instruction must be kept for the duration of employment.

The training or written instruction must include a summary of the employee's rights under the law. It must also include information on how to read an MSDS. Finally, the most critical aspect of the training is informing employees of the specific hazards and safe work practices for preventing these hazards.

Posting a Workplace Notice

A Right to Know Workplace Notice must be posted in a central location at all workplaces which are covered by the RTK Law (Contact DOS at (617) 969-7177 for current workplace notices).

Employee Rights

Employees have rights under the law, which include the right to request a copy of an MSDS and in certain circumstances, the right to refuse to work if a MSDS is not provided. More detailed information on employees' rights is given on the required workplace notice and in the RTK Law and the regulations.

Law and Regulation Reference

The Right to Know Law –MGL Ch.111F (Sections 1 –21)

Division of Occupational Safety (DOS) - Workplace Regulation-454 CMR 21.00

Two other sets of regulations have been promulgated by other agencies under the Right to Know Law:

- Mass Dept of Public Health (105 CMR 670.000) (promulgated under sec. 4 – 6; 12 and 20 of Ch. 111F).
- Mass Dept of Environmental Protection (310 CMR 33.00) (promulgated under sec. 16 – 19 of Ch. 111F).

Registration of Third Party Trainers

The Massachusetts Right to Know Law provides for the registration of Third Party Trainers by the DOS. To obtain copies of the necessary documents or to obtain a list of current registrants, please contact the DOS at 617-969-7177.

Further Information

If you have questions, or, would like to ask for an inspection or consultation, contact the DOS Occupational Hygiene/Indoor Air Quality Program at 617-969-7177.

Right to Know Documents

1. Right to Know Booklet

This booklet contains all official State documents pertaining to the Right to Know Law. It includes a copy of the Law and regulations of the Division of Occupational Safety (DOS), Department of Public Health and Department of Environmental Protection. The Mass Substance List is included in the booklet. The booklet can be obtained from the Statehouse Bookstore for \$7.85 plus \$2.60 shipping and handling.*

2. MA Right to Know: Employer Assistance Manual

This manual reviews employers' responsibilities under the Law and is written in easily understood language. It provides a step by step process for complying with the law and provides tips for accomplishing the required tasks. It is available at the Statehouse bookstore for \$6.15 plus \$2.60 shipping and handling.*

2. Chemical Hazards on the Job: Your Right to Know

This booklet gives a detailed explanation of worker rights under the Mass Right to Know Law. Topics covered include Material Safety Data Sheets, container labeling, training, and filing complaints. It is available at the Statehouse bookstore for \$1.75 plus \$1.25 shipping and handling.*

4. Right to Know Poster

This required poster has recently been updated to provide the most current contacts for Right to Know. It is available free of charge by calling DOS at (617)-969-7177.

5. Understanding Material Safety Data Sheets (MSDSs)

This four page document explains the terms on a Material Safety Data Sheet in easy to understand language. It is available free of charge by calling DOS at (617)-969-7177.

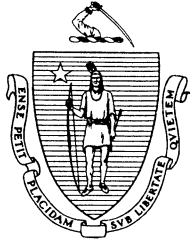
There are two Statehouse Bookstores:

Massachusetts State House
Bookstore-Room 116
Boston MA 02133
(617) 727-2834

Secretary of State/Western Office
436 Dwight St-Room 102
Springfield, MA 01103
(413) 784-1376

The catalog and ordering information for Statehouse bookstore publications can also be accessed via Internet at www.magnet.state.ma.us/sec/spr. Documents cannot currently be ordered on line.

***Note:** The postage for any combination of documents ordered together is \$3.05 for in-State shipping and handling.



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Public Sector Employee Health and Safety

JANE C. EDMONDS
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DEPUTY DIRECTOR

What health and safety laws, regulations and protections are available to municipal and county employees in Massachusetts?

Municipal and county employees in Massachusetts are not covered by the Federal Occupational Health and Safety (OSHA) Standards that cover all private sector employees.

Municipal and county employee health and safety is covered in a general manner under Chapter 149 section 6 of the Massachusetts General Laws. In addition, *all* public employees in Mass are covered by the Massachusetts Right to Know Law.

Are there specific standards or requirements for municipal employees?

In most cases, with the exception of Right to Know, there are no specific safety and health standards for public sector workers. Chapter 149 section 6 states that our Division shall investigate places of employment and determine what suitable devices or other reasonable means or requirements are necessary for the prevention of industrial or occupational diseases.

In the absence of specific standards, it is the policy of our office that public sector employees follow the OSHA Standards as a minimum. Compliance with the OSHA Standards will in most cases ensure compliance with the intent of Chapter 149 section 6.

What kind of services are available to public sector workplaces?

Both employees and employers in public workplaces can request our services. Our office can provide services ranging from technical assistance with a health or safety issue, to air monitoring to determine chemical exposures, the evaluation of a ventilation system, and a walkthrough inspection to review hazards and controls. In addition, our office can provide training on a variety of subjects including bloodborne pathogens and tuberculosis hazards and controls, respiratory protection as well as others. All testing, training and consultations are done free of charge. Typical services provided to public schools have included:

- Evaluation of indoor air quality
- Evaluation of science lab health and safety
- Evaluation of Right to Know compliance
- Assistance in complying with bloodborne pathogens requirements
- Assistance in use of respiratory protection
- Evaluation of health and safety issues in vocational school shops
- Assistance with lead and asbestos issues

Are there fees for services or fines and penalties associated with the inspections?

Usually there are no fines or penalties associated with the inspections as long as the most serious hazards are corrected in a reasonable period of time. Our office will work with the municipality or county to address the correction of such hazards. There is a provision in the law for issuing orders that could lead to fines should a municipality fail to correct a serious health hazard.

Training

DOS provides training on occupational health hazards and indoor air quality problems to public and private employers, groups and organizations. Private sector employers should contact the OSHA Consultation Program. Public sector employers should contact the OHP/IAQ Program for assistance with preventing exposures to bloodborne pathogens , tuberculosis and other occupational health hazards. Training is offered in many areas, including Right to Know, chemical storage hazards in schools, indoor air quality, respiratory protection , the hazards associated with diesel fumes and others. We are also willing to tailor training sessions to meet the specific needs of a work place.

There is no charge for any of these services. For further information contact the OH/IAQ Program at 617-969-7177

The above is taken from the website: <http://www.state.ma.us/dos/pages/iaq.htm>